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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,097	04/13/2004	Steve J.D. Bell	13775/46204	6154

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 11/19/2007

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10824097	4/13/04	BELL, STEVE J.D.	13775/46204

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NEW YORK, NY 10004

EXAMINER

Robert A. Zeman

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1645

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Commissioner for Patents

Art Unit: 1645

DETAILED ACTION

Based on the amended to claim 1, the instant claims are directed to an invention(s) that is independent or distinct from the invention originally claimed for the following reasons: the previously examined claims of the instant application were drawn to methods of inducing a therapeutic immune response utilizing smooth, spherical, colloidal particles comprising calcium phosphate and having an allergen at least partially coating the particle (Group III of the Restriction requirement). The proposed "new" claims are drawn to methods of inducing a therapeutic immune response utilizing smooth, spherical, colloidal particles comprising calcium phosphate said particles being at least partially coated with a surface modifying agent and having an allergen at least partially the surface modifying agent. Said methods were not part of restriction requirement but read on the use of the particles of Group II of the restriction requirement whereas the examined claimed are drawn to the use of the particles of Group I. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-12 would be withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the instant amendment, if entered, would leave no claims drawn to the elected invention it is considered non-responsive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Zeman whose telephone number is (571) 272-0866. The examiner can normally be reached on Monday- Thursday, 7am -5:30 p.m..

Art Unit: 1645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT A. ZEMAN
PRIMARY EXAMINER

November 8, 2007